

Attorney for Defendant BRANDON WHITE

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRANDON MICHAEL WHITE,
Defendant.

**UNOPPOSED MOTION TO CONTINUE
THE TIME WITHIN WHICH TO OBJECT
TO THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION (#55)**

DATED this 15th day of October, 2015.

/s/ Daniel J. Albregts
DANIEL J. ALBREGTS, ESQ.
Counsel for Defendant WHITE

MEMORANDUM OF POINT AND AUTHORITIES

On October 1, 2015 the Magistrate Judge issued his Report and Recommendation on Brandon White's Motion to Suppress (#36) recommending that the Motion to Suppress be denied. Pursuant to Local Rule 1B 3-2(a) objections to the recommendation are due October 15, 2015. The Magistrate Judge had previously held an evidentiary hearing on September 17, 2015 on the defendant's Motion to Suppress Identification. Within two (2) days after the hearing, defense counsel requested the transcript pursuant to his appointment under the Criminal Justice Act. As of today's date, the request is still pending and has not been approved.¹ Therefore, defense counsel has not received the transcript. The transcript is essential to defense counsel's preparation of the objections to the report and recommendation given the factual findings made by the Magistrate Judge in his recommendation. Thus, the objection to the recommendation and report cannot be filed until the transcript is completed.

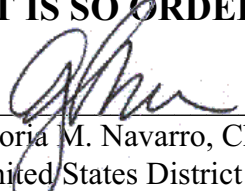
Defense counsel has consulted the government who has indicated they do not object to this request. Moreover, defense counsel simply asks for seven (7) days from the filing of the transcript to complete the objections to the report and recommendation. Provided the transcript is completed in the coming days, this request will not effect the trial date currently scheduled for the end of November, 2015.

For the foregoing reasons, the defense would request that this Court allow defense counsel seven (7) days after the date of the filing of the transcript of the evidentiary hearing within which to file his objections to the Magistrate Judge's Report and Recommendation (#55).

DATED this 15th day of October, 2015.

IT IS SO ORDERED

DANIEL J. ALBREGTS, LTD.


Gloria M. Navarro, Chief Judge
United States District Court

/s/ Daniel J. Albregts
DANIEL J. ALBREGTS, ESQ.
Counsel for Defendant WHITE

October 16, 2015

¹ Defense counsel would request the Court's assistance in approving the request for the transcript through the CJA process on an expedited basis so that counsel can file his objection to the report and recommendation.

CERTIFICATE OF SERVICE

The undersigned, an employee of DANIEL J. ALBREGTS, LTD., hereby certifies that on the 15th day of October, 2015, she served a copy of the above and foregoing UNOPPOSED MOTION TO CONTINUE THE TIME WITHIN WHICH TO OBJECT TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION , via CM/ECF electronic filing.

Kimberly LaPointe
An Employee of Daniel J. Albregts, Esq.